

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-45864-2018

Date of decision: 26.10.2018

Sanjay

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

PRESENT: Mr. Sandeep Kotla, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana.

RAMENDRA JAIN, J. (ORAL)

Through this petition under Section 439 Cr.P.C., petitioner-Sanjay, has prayed for grant of regular bail in case FIR No. 232 dated 06.07.2018 registered under Sections 15 and 20 of the Narcotic Drugs and Psychotropic Substance Act (for short- 'the Act') at Police Station Madlauda, District Panipat.

Learned counsel *inter alia* contends that FSL report has not been received qua 4.5 Kgs of poppy husk and 72 Kgs of Ganja Patti allegedly recovered from the petitioner and his co-accused. Therefore, at this stage, it cannot be said that the petitioner was carrying some contraband. He prays that petitioner may be granted bail till the receipt of FSL report.

Learned State counsel fairly admits that the FSL report has

not yet been received.

Till the FSL report is received, it cannot be presumed that the aforesaid poppy husk and Ganja Patti recovered from the petitioner and his co-accused, falls within the definition of “narcotic substance/contraband” under the Act. Therefore, without expressing any opinion on the merits of the case, the petitioner is granted interim bail till the date of receipt of FSL report, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

The instant petition stands disposed of, accordingly.

October 26, 2018

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**(RAMENDRA JAIN)
JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No